

UNITED STATES DISTRICT COURT  
DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA  
Plaintiff

v.

Case Number 8:02cr77

USM Number 17614-047

ALVIN LUCAS

Defendant

Jessica L. Milburn

Defendant's Attorney

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JUDGMENT IN A CRIMINAL CASE  
(For Revocation of Probation or Supervised Release)

THE DEFENDANT admitted guilt to violation of standard conditions 2, 3, and 6 of the term of supervision.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offenses:

<u>Violation Number</u>	<u>Nature of Violation</u>	<u>Date Violations Concluded</u>
1	Failure to report to the United States Probation office	August 2005
2	Failure to comply with the instructions of the probation officer	August 3, 2005
4	Failure to notify the probation officer of change in residence	August 4, 2005

The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984 and *Booker/FanFan* decisions.

Allegations 3 and 5 are withdrawn on the motion of the United States.

Following the imposition of sentence, the Court advised the defendant of his right to appeal pursuant to the provisions of Fed. R. Crim. P. 32 and the provisions of 18 U.S.C. § 3742 (a) and that such Notice of Appeal must be filed with the Clerk of this Court within ten (10) days of this date.

**IT IS ORDERED** that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Date of Imposition of Sentence:  
November 15, 2005

s/Joseph F. Bataillon  
United States District Judge

November 30, 2005

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### IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of **eight (8) months**.

The Court makes the following recommendations to the Bureau of Prisons:

1. That the defendant be incarcerated in a federal facility at **FPC-Yankton, Yankton, South Dakota** if possible.
2. Defendant shall be given credit for time served.

(X) The defendant shall surrender for service of sentence at the United States Marshal's Office no later than noon on November 18, 2005.

### ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge receipt of a copy of this judgment this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
Signature of Defendant

### RETURN

It is hereby acknowledged that the defendant was delivered on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ to \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

**NOTE: The following certificate must also be completed if the defendant has not signed the Acknowledgment of Receipt , above.**

### CERTIFICATE

It is hereby certified that a copy of this judgment was served upon the defendant this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

\_\_\_\_\_  
UNITED STATES WARDEN

By: \_\_\_\_\_

Defendant: ALVIN LUCAS  
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## CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth in this judgment.

<u>Total Assessment</u>	<u>Total Fine</u>	<u>Total Restitution</u>
<b>\$100.00</b>	<b>.00</b>	<b>\$41,002.78</b>

The Court has determined that the defendant does not have the ability to pay interest and it is ordered that:

### FINE

No fine imposed.

### RESTITUTION

Restitution in the amount of **\$41,002.78** is hereby ordered. The balance of \$41,002.78 remains due and payable. The defendant shall make restitution to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>**Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
American National Bank	\$19,235.03	\$19,235.03	Priority Order/Percentage
St. Paul Ins. Co.	\$21,767.75	\$21,767.75	Priority Order/Percentage
<b>Totals</b>	<b>\$41,002.78</b>	<b>\$41,002.78</b>	

\*\*Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18, United States Code, for offenses committed on or after September 13, 1994 but before April 23, 1996.

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## SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay; payment of the total criminal monetary penalties shall be due as follows:

Lump sum payment of \$ 100.00 due immediately, a balance of \$50.00 remains due and payable.

Special instructions regarding the payment of criminal monetary penalties:

During the defendant's term of incarceration, he shall participated in the BOP Inmate Financial Responsibility Program. Payments toward any outstanding criminal monetary penalty shall be applied in this order: special assessment; restitution; fine; any other.

Following release from incarceration, the defendant will make **monthly installment payments of \$25 or 3% of the defendant's gross income, whichever is greater**, towards the unpaid balance of the criminal monetary penalty. The first payment shall commence 30 days following the defendant's discharge from incarceration. Payments shall continue until the criminal monetary penalty is paid in full. The defendant shall provide proof of payment to the United States Probation Officer as directed.

If a change in the defendant's economic circumstances affects the defendant's ability to make installment payments in the amount ordered, he shall immediately notify the United States Probation Office. A change in economic circumstances includes the ability to increase the amount of monthly installment payments or to pay the balance of the criminal monetary penalty in full.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer or the United States attorney.

All financial penalty payments are to be made to the Clerk of Court for the District of Nebraska, 111 S. 18<sup>th</sup> Plaza, Suite 1152, Omaha, NE 68102-1322.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

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CLERK'S OFFICE USE ONLY:

ECF DOCUMENT

I hereby attest and certify this is a printed copy of a document which was electronically filed with the United States District Court for the District of Nebraska.

Date Filed: \_\_\_\_\_

DENISE M. LUCKS, CLERK

By \_\_\_\_\_ Deputy Clerk